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INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

MARCH 1978

VOL. I NO. 4

LEGISLATIVE COUNCIL

EXECUTIVE
DIRECTOR
SELECTED

Terry Walker, 38, of Denver, Colorado, was selected as Executive Director of the Legislative Council. Walker presently serves as Assistant Director of the Colorado Legislative Drafting Office where he has worked for 7 years. He received his law degree in 1969 and has twelve years of data processing experience. Colorado uses a computer system identical to the one used in Montana.

Terry will join the Legislative Council staff on April 1. His wife, Leah, and son David will arrive after school is out.

Rosie will stay on the Council staff as a consultant during the month of April.

RECODIFICATION

The first batch of camera-ready copy for the proposed new code has been received by the Code Commissioner. By April 1, computer tapes containing approximately 30 of the proposed 50 titles will have been converted to camera-ready copy which will be used to print the new code. It is estimated that the code (just statute text and histories -- no annotations) will contain 9,000 pages. Senate Bill No. 1 to adopt the new code will be prefiled for the 1979 Session.

A bill drafting seminar open to all state government employees and private attorneys, lobbyists, and other interested parties has been scheduled for September 8. Council staff attorneys will conduct the seminar.

HARGESHEIMER
RESIGNS

Dick Hargesheimer, who served on the Council's research staff since 1973, resigned from his position as of February 24. Dick has been selected by the Eagleton Institute of Politics at Rutgers University to assist in a special project to demonstrate legislative oversight staffing in five state legislatures. Dick will be working with legislators in Oklahoma, Indiana, Iowa, Ohio, and Michigan. This is a real honor for Dick and we wish him good luck. He will join the project in June.

Interim Subcommittees

WATER RIGHTS

The subcommittee on water rights attended a three day water law short course in Billings at the end of January. The course concentrated on the relationship between water rights and in stream flow and water quality considerations. Six hearings were held throughout the state in the past month to give committee members an opportunity to talk with water users all over the state. Several members have also held mini-hearings of their own in their own areas. The hearings have been well attended and seem to indicate general support for achieving a quick resolution to water rights problems. The next meeting has been scheduled for April 15 when Indian water rights and state agency recommendations will be studied.

HUMAN SERVICES DELIVERY

On February 10 the Human Services Committee held a public hearing on the Committee Discussion Draft concerning reorganization of the human services delivery system. The draft elicited a generally positive response. Many helpful comments were received from all over the state. The committee will be meeting on March 10 to review the critiques that were received. They will then consider modifications and revisions to the draft. Following the March 10 meeting, the committee's decisions will be prepared in bill draft form and distributed to interested parties. A public hearing will then be scheduled to hear testimony on the revised committee discussion draft.

STATE LEGAL SERVICES AND ELECTION LAWS

The subcommittee on state legal services and election laws met February 11 in Helena to review a working paper and progress report on state legal services. A special elections subcommittee was formed to work with state and local election officials to consider the details on a revised election code. The election subcommittee will meet in room 432 of the state capitol March 11 in Helena. The next meeting of the entire subcommittee will be Saturday, April 29.

SUBDIVISIONS

In February 16 the subcommittee on subdivisions met to consider two staff reports on a survey of selected states' subdivision laws and on an analysis of problems and suggested changes in Montana's land development statutes. The subcommittee directed its staff to develop alternatives for legislation on many substantive issues including financing, of services, local summary review of all divisions of land, park dedication requirements, school impact funds, criteria for increased local health review, and several others. At its next meeting, tentatively scheduled for April 6 and 7, the subcommittee plans to make decisions on which of these alternatives to pursue for legislation for the 1979 session.

LOCAL
GOVERNMENT
LAWS

The subcommittee on local government laws met in Helena February 17 to conclude the side-by-side comparison of the proposals advanced in HB 122 and existing local government laws. The section-by-section review of HB 122 was accomplished in seven monthly meetings over the last 8 months. The committee will hold its next meeting in Helena on March 13 to discuss methods for breaking HB 122 into more manageable pieces of legislation. Senator Greg Jergeson has been appointed to replace Senator Chet Playlock who resigned from the committee.

LOCAL
GOVERNMENT
WORKING
DOCUMENT
STILL
AVAILABLE

The Legislative Council still has copies of the side-by-side comparison of existing Montana local government laws and HB 122. As was reported last month, one copy is available at no charge for each legislator. Other copies may be purchased for \$40 each plus mailing costs. Contact the Legislative Council in Helena.

SUBCOMMITTEE
ON EDUCATION

The fourth meeting of the Interim Subcommittee on education will occur on Friday, March 31, 1977 beginning at 9:30 a.m. in Room 225, Stat Capitol. The subcommittee will continue discussion of the historic records study and Community College governance. In addition, three discussion models for a state operated Vocational-Technical Center system will be presented and discussed. There will be an opportunity for public response to the discussion models.

COMMITTEE ON
LEGISLATIVE
IMPROVEMENT

The Committee on Legislative Improvement met on February 17 to review the details of the committee block scheduling system and a new plan for the orientation conference. Both plans were tentatively adopted. The committee will meet March 31 at 10:00 a.m. to make final recommendations on all items considered.

Although money is not available to reimburse your travel, you may find the March 31 meeting very informative. Chairman Stan Stephens urges legislators to comment on the time management improvements recommended by the committee.

Administrative Code Committee

REGENTS'
RULES

The Administrative Code Committee met in Helena February 10. The committee voted to temporarily waive compliance with terms of an agreement between the Commissioner of Higher Education (for the Board of Regents) and the legislature to publish rules of the Board of Regents in the Administrative Rules of Montana. SRS agreed to hold in abeyance rules limiting utilization of newly constructed beds by Medicaid patients as a cost control mechanism until the next meeting of the committee. Staff had questioned the authority of the department to adopt these rules. The committee received the final report of Roger Pippy on

MEDICAID
BEDS

REPORT ON
HB 77

WINE
LICENSE

implementation of HB 77 and adopted his recommendation that the committee seek changes in WAPA in the 1979 session. The department of Revenue's negative response to the committee's petition to conform the wine license amendment rule to the statute was read into the record. Staff was instructed to search for some middle ground and re-petition accordingly. The subject of recodifying ARM was added to a list of items to be studied and reported on by staff. Representatives of UPI satisfactorily met committee objections to the rules on Indian studies training requirements for teachers. The committee voted to repeat its objections to the Department of Revenue on the combined population liquor license quota rules. Minor comments on other rules were reviewed, and appropriate letters to departments were approved.

RECODIFY ARM

INDIAN
STUDIES

LIQUOR
LICENSE

Coal Tax Oversight

MEETING HELD
FEBRUARY 11

The Coal Tax Oversight Committee met in Helena on February 11 to review several programs and projects funded by coal tax revenue.

ALTERNATIVE
RENEWABLE
ENERGY AND
RENEWABLE
RESOURCES
PROGRAMS

The committee discussed the budgets of the Alternative Renewable Energy and Renewable Resources Programs, considering the administrative costs of each program and new directions they might take. Members had visited the alternative energy grant projects in their local areas and discussed the purpose and impact of the program.

COAL BOARD
GRANT
PROGRAM

The Committee made numerous suggestions to the Department of Community Affairs on the plans and objectives of the study, funded by the Coal Board, to determine objective criteria for determining coal impact. The Committee urged the department to proceed as rapidly as possible with the study, so that the data and conclusions would be available to the legislature and the public well before the 1979 session.

PROGRAMS TO
STIMULATE
LOCAL
BUSINESS

Lastly, the Committee discussed other states' programs designed to stimulate local businesses through investment of state trust and retirement funds and considered how these programs could be adapted to Montana's coal tax trust fund investment. This discussion will be continued at the Committee's next meeting in early May.

Revenue Oversight Committee

MEETING
SCHEDULED FOR
MARCH 11

The Revenue Oversight Committee will meet in Helena March 11 to discuss taxation of financial institutions, timber, motor vehicles, metal mines, and several

mineral rights.

Committee On Indian Legal Jurisdiction

As of February 20, 1978, no on-reservation public hearings had been finally scheduled. All legislators will receive mailed notice when arrangements as to exact time, place, and agenda have been made.

Environmental Quality Council

YELLOWSTONE COAL AREA STUDY

A member of the EOC staff attended a meeting on the Yellowstone Basin and Adjacent Coal Area Level II Study final draft held in Billings on February 2, 1978. Representatives from state agencies, the Burlington-Northern, and federal agencies were present to discuss changes, additions, and deletions in the final draft. Major topics reviewed were coal transportation systems, river water use, and high rates and low rates of coal development versus the environmental quality of the state. Contact the environmental quality Council for further information.

REGULAR MEETING HELD FEBRUARY 17

A regularly scheduled meeting of the Environmental Quality Council was held on Friday, February 17, 1978. Following is a brief synopsis of the topics discussed:

A report was given on the activity of the Bonneville Power Administration and how power will be generated and transmitted throughout the northwest, including eastern Montana. A bill proposed by the Pacific Northwest Utility Coordinating Council was also discussed.

Energy legislation in other states was discussed so the 1979 Legislature may consider a concise, well-written set of bills. Energy legislation research will be an on-going project with various legislators involved.

Some discussion centered on Montana Power's proposed Alternative Energy Standby Charge. The charge was explained by EOC staff and a representative from MPP who explained the Company's position and stated the proposal was not before the Public Service Commission at this time.

EOC staff was directed by the Council to review the programs of Oil and Gas Leasing and Alternative Energy. The staff was also directed to determine if agencies were following procedures as outlined by the Montana Environmental Policy Act (MEPA).

Legislative Audit Committee

MEETING The Legislative Audit Committee met February 22, 1978, at the State Capitol and is scheduled to meet again March 27, 1978.

REPORTS
ISSUED Financial compliance audit reports received, reviewed, and filed by the Legislative Audit Committee were: Department of Social and Rehabilitation Services, Medicaid Program; Department of Labor and Industry, Labor Standards Division, Human Rights Division, Personnel Appeal Division; Review of Expenditures in excess of Appropriations for Certain State Agencies; Department of Community Affairs, Human Resources Division; Report on Review of Certain Travel and Administrative expenses; Department of Professional and Occupational Licensing, Review of Expenditure Abateements; Eastern Montana College; Department of Institutions, Center for the Aged. (*Audits conducted by the Office of the Legislative Auditor, other audits were conducted by Certified Public Accountant firms.)

FOLLOW-UP Due to interest in the implementation of certain recommendations, the committee requested the Legislative Auditor to follow up audit recommendations made in previous audits of the Department of Professional and Occupational Licensing, Board of Real Estate, Public Employees' Retirement System, and Teachers' Retirement System.

WORKERS'
COMPENSATION The Attorney General made his quarterly report to the Legislative Audit Committee on the Workers' Compensation investigation.

CONTRACT
AUDIT
PROGRAM The committee added a penalty clause for failure of certified public accounting firms to complete the contracted audit report by the due date specified in the contract. The committee also approved a list of agencies to be audited this year through the contract audit program.

SUNSET
AUDITS The Legislative Audit Committee approved the sunset audit report process. The first report on the Board of Abstracters will be distributed to the committee at the March 27 meeting and will be followed by a public meeting for testimony in late April. All of the first cycle of sunset audits should be completed by October 31, 1978.

REPORTS
AVAILABLE Copies of all audit reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, Helena, Montana. Telephone 449-3122.

Montana Consumer Committee

MEETING HELD
FEBRUARY 27

The Montana Consumer Committee met February 27 primarily to review the caseload and projected expenses of the office for the balance of the fiscal year.

GRAIN
SHIPMENT
PROBLEMS
DISCUSSED

During the meeting, an in-depth discussion with representatives of the Montana Department of Agriculture regarding Montana's grain car shortage occurred. As a result of the conference, the Consumer Counsel was instructed to contact the Chairman of the Interstate Commerce Commission and the President of Burlington Northern and invite suggestions and discussion. If feasible, an open meeting with a speaker for those entities may be sponsored in the near future.

It was also announced that the offices of Consumer Counsel and the Department of Agriculture had recently obtained a favorable ruling from the I.C.C. against Montana railroads which could lead to repayment of several hundred thousand dollars to Montana grain shippers. The time within which the Montana railroads may appeal has not expired.

Further Information: For further information on any item in this newsletter, please contact the Legislative Council office or the specific legislative agency involved.

